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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,817	11/16/2001	Toru Owada	TSM-16	7643

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EXAMINER	
ZIA, SYED	

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/987,817	OWADA ET AL.	
	Examiner	Art Unit	
	Syed Zia	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to request for reconsideration filed on June 16, 2006. Original application contained Claims 1-21. Applicant currently amended Claims 1-21. The amendment filed on June 16, 2006 have been entered and made of record. Presently Claims 1-21 are pending for consideration.

Priority

Acknowledgment is made of receiving certified copy of the 2000-351511 Japanese application, thus establishing applicant's claim for foreign priority based on an application filed in Japan on November 17, 2000.

Response to Arguments

Applicant's arguments filed on June 16, 2006 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1-4, 9-16, 21-28, and 33-39 applicants argued that the system of cited prior art (CPA) [Saito (U. S. Patent 5,867,579), and further in view of Le Roy (U. S. Patent 4,723,285)] does not teach, the subject matter as claimed.

Regarding Claims 1-21 applicant stated that in the system of cited prior [Saito (U. S. Patent 5,867,579), and further in view of Le Roy (U. S. Patent 4,723,285)]

" Saito shows a seemingly similar system structure for transferring digital data and protecting digital data copyrights. However, Saito neither shows nor suggests encrypting a portion of a

data structure unit. Le Roy relates to broadcasting high quality sound programs and the reception thereof. More particularly, Le Roy shows a technique for completing a multiplex digital transmission with a frequency multiplex technique. However, Roy neither shows nor suggests to contaminate transmitted sound data, as disclosed and claimed".

This is not found persuasive. The system of cited prior art clearly teach a multiprocessor configuration secured data management as, such as copyright management, where program and user information are stored in the read-only memory. A second private-key, a permit key, a second secret key, a copyright management are provided. Program and copyright information are stored in the EEPROM. Two public keys, a private key and a encryption key are transmitted to the read-write memory during operation. While Le Roy clearly teaches that the digital signals of the different programs being assembled in high data rate frames to constitute a digital multiplex system, with each frame being composed of a synchronizing word and of a certain plurality of channels, characterized in that the digital multiplex simultaneously conveys different types of programs such as monophonic, stereophonic and quadraphonic ones, respectively occupying one, two or four channels in a frame, and in that each frame only conveys digital signals of a program and an indication of the type of program, said indication being provided by two bits of the channel. (Saito: col.3 line 11 to col.8 line 54, and col.6 line 53 to col.9 line 15, and Le Roy: col.2 line 25 to col. 5 line 17)

As a result, cited prior art does implement and teach a system and method that relates to an art for dealing with the digital content requiring copyright as broadly claimed in independent and dependent Claims. Applicants have failed to identify specific claim limitations, which would define a patentable distinction over prior arts.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that cited prior art(s) does teach or suggest the subject matter recited in independent and dependent claims. Accordingly, rejections for claims 1-21 are respectfully maintained.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless —
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 8-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent 5,867,579).

3. With respect to claim 1, Saito discloses a digital content distributing system having a digital content distributing apparatus for distributing a digital content and an information processing apparatus for outputting a digital content distributing from the digital content distributing apparatus, wherein:

Said digital content distributing apparatus comprises:

A storage device storing a digital content (column 4, lines 42-43); an encryption

processing device for performing an encryption process on a part of the digital content by using encryption key information shared with said information processing apparatus (column 4, lines 59-60); and a distributing device for distributing the partly encrypted digital content to said information processing apparatus (column 5, lines 13-15), and

Said information processing apparatus comprises:

An input device for inputting a digital content distributed from said digital content distributing apparatus (column 5, lines 19-20);

A decryption processing device for performing a decryption process on the encrypted part of the inputted digital content by using the encrypting key information shared with said digital content distributing apparatus (column 5, lines 22-25); and

An output device for outputting the digital content (column 6, lines 59-61),

wherein said encryption processing device of said digital content distributing apparatus processing apparatus encrypts a part of a formatted data unit of the digital content so that said information processing apparatus displays the digital content contaminated in a spotted or striped manner on said output device without decryption (column 3, lines 25-39).

4. With respect to claim 2, Saito discloses a digital content distributing system having a digital content distributing apparatus for distributing a digital content and an information processing apparatus for outputting a digital content distributed from the digital content distributing apparatus, wherein:

said digital content distributing apparatus comprises: a storage device storing a digital content partly encrypted by using encryption key information shared with said

information processing apparatus (column 5, lines 17-19), and

a distributing device for distributing the stored digital content to said information processing apparatus (column 5, lines 13-15), and

Said information processing apparatus comprises:

an input device for inputting a digital content distributed from said digital content distributing apparatus (column 5, lines 19-20),

a decryption processing device for performing a decryption process on an encrypted part of the inputted digital content by using the encryption key information shared with said digital content distributing apparatus (column 5, lines 22-25); and

an output device for outputting the digital (column 6, lines 59-61),

wherein a part of formatted data unit of the digital content stored by said storage device of said digital content distributing apparatus is encrypted, so that the information processing apparatus displays the digital content contaminated in a spotted or striped manner on said output device without decryption (column 3, lines 25-39).

5. With respect to claim 3, Saito discloses a method for distributing a digital content from a digital content distributing apparatus to an information processing apparatus, in a digital content distributing system having the digital content distributing apparatus for distributing the digital content and the information processing apparatus for outputting the digital content distributed from the digital content distributing apparatus, said method comprising the steps of:

Distributing, by said digital content distributing apparatus a partly encrypted digital

content which is encrypted by using encryption key information shared with said information processing apparatus, to said information processing apparatus (column 5, lines 13-15); and

Performing a decryption process using the encryption key information on an encrypted part of the digital content distributed from said digital content distributing apparatus by said information processing device (column 5, lines 22-25; column 4, lines 59-60);

Wherein a part of formatted data unit of the digital content distributed by said digital content distributing apparatus is encrypted so that the information processing apparatus displays the digital content contaminated in a spotted or striped manner on an output device of said information processing without decryption (column 3, lines 25-39).

6. With respect to claim 8, Saito discloses a digital content distributing apparatus comprising:

A storage device storing a digital content (column 4, lines 42-43);

an encryption processing device for performing an encryption process on a part of the digital content by using encryption key information shared with an information processing apparatus which is to be a destination of distribution of the digital content (column 4, lines 59-60); and

A distributing device for distributing the partly encrypted digital content to said information processing apparatus (column 5, lines 13-15);

wherein said encryption processing encrypts a part formatted data unit of the digital content so that said information processing apparatus displays the digital content contaminated in a spotted or striped manner on an output device of said information processing apparatus without a decryption (column 3, lines 25-39).

7. With respect to claim 9, Saito discloses a digital content distributing apparatus comprising:

A storage device storing a digital content partly encrypted by using encryption key information shared with an information processing apparatus which is to be a destination of distribution (column 5, lines 17-19); and

A distributing device for distributing the stored digital content to said information processing apparatus (column 5, lines 13-15);

wherein a part of formatted data unit of the digital content stored by said storage device is encrypted, so that said information processing apparatus displays the digital content contaminated in a spotted or striped manner on an output device of said information processing apparatus without a decryption (column 3, lines 25-39).

8. With respect to claims 12, and 13, Saito discloses a method for a digital content distributing apparatus, wherein, said digital content distributing apparatus comprises a storage device storing a digital content, an encryption processing device for performing an encryption process on a part of the digital content by using encryption key information shared with an information processing apparatus which is to be a destination of distribution of the digital content, and a distributing device for distributing the partly encrypted digital content to said information processing apparatus, the method comprising the steps of: said encryption processing device encrypting a part of formatted data unit of the digital content so that said information processing apparatus displays the digital content contaminated in a spotted or striped manner on an output device of said information processing apparatus without decryption (col. 4line 42 to col.5 line 25, and column 3, lines 25-39),

wherein the part of formatted data unit of the digital content is JPEG data formatted by a JPEG (Joint Photographic Experts Group) scheme, with a and the part of formatted data unit means either higher frequency region or lower frequency region in one or more compression unit (column 12, lines 40-42: It is inherent in the JPEG standard that data is compressed in 8x8 blocks as seen in Section 4.3, paragraph 2, line 1 in the Information Technology-Digital Compression and Coding of Continuous Still Tone Images-Requirements and Guidelines. It is also inherent in the same paper in Section 4.5, paragraph 4, that the blocks are compressed on a high or low frequency region with either a part or all bits compressed).

9. With respect to claims 14, and 15, Saito discloses a method for a digital content distributing apparatus, wherein, said digital content distributing apparatus comprises a storage device storing a digital content, an encryption processing device for performing an encryption process on a part of the digital content by using encryption key information shared with an information processing apparatus which is to be a destination of distribution of the digital content, and a distributing content to said information processing apparatus, the method comprising the steps of: said encryption processing device encrypting a part of formatted data unit of the digital content so that said information processing apparatus displays the digital content contaminated in a spotted or striped manner on an output device of said information processing apparatus without decryption (col. 4 line 42 to col.5 line 25, and column 3, lines 25-39),

wherein the part of formatted data unit of the digital content is JPEG data formatted by a JPEG (Joint Photographic Experts Group) scheme, with a and the part of formatted data unit means one or more frame in one group selected from a group of frames in one group of frames

compressed with using correlation between the frames and a group of frames compressed without using correlation between the frames (column 12, lines 40-42: It is inherent in MPEG compression that frames are correlated in 8x8 blocks according to University of California Berkeley Multimedia Research Center's paper What is MPEG?, page 5, item 3.).

10. With respect to claims 16 and 17, Saito discloses an information processing apparatus for outputting a digital content distributed from the digital content distributing apparatus according to claim 8 and 9 respectively, said information processing apparatus comprising:

An input device for inputting a digital content distributed from said digital content distributing apparatus (column 5, lines 19-20);

A decryption processing device for performing a decryption process on an encrypted part of the inputted digital content by using the encryption key information shared with said digital content distributing apparatus (column 5, lines 22-25); and

An output device for outputting the digital content decrypted from the encrypted part (column 6, lines 59-61.

11. With respect to claim 18, Saito discloses a recording medium having recorded therein a digital content, a part of formatted data unit of the digital content is encrypted so as to display the digital content contaminated in a spotted or striped manner on an output device of said information processing apparatus without a decryption (column 12, lines 59-61, column 3 line 25-29).

12. With respect to claims 4, 10, 11, 19, Saito discloses a method for distributing a digital content according to claim 3, wherein, when the digital content is JPEG data formatted by a JPEG (Joint Photographic Experts Group) scheme, the part of formatted data unit means some compression unit block comprising 8 pixels x 8 pixels as one unit, on a part of compression unit blocks, each block comprising 8 pixel x 8 pixel (column 12, lines 40-42: It is inherent in the JPEG standard that data is compressed in 8x8 blocks as seen in Section 4.3, paragraph 2, line 1 in the Information Technology-Digital Compression and Coding of Continuous Still Tone Images-Requirements and Guidelines.).

13. With respect to claims 5, 20, Saito discloses a method for distributing a digital content according to claim 3, wherein, when the digital content is JPEG data formatted by a JPEG (Joint Photographic Experts Group) scheme, the part of the formatted data unit means either higher frequency region or lower frequency region in one or more compression unit block comprising 8 pixels x 8 pixels (column 12, lines 40-42: It is inherent in the JPEG standard that data is compressed in 8x8 blocks as seen in Section 4.3, paragraph 2, line 1 in the Information Technology-Digital Compression and Coding of Continuous Still Tone Images-Requirements

and Guidelines. It is also inherent in the same paper in Section 4.5, paragraph 4, that the blocks are compressed on a high or low frequency region with either a part or all bits compressed.).

14. With respect to claims 6, and 21, Saito discloses a method for distributing digital content distributing to claim 3, wherein, when the digital content is MPEG data formatted by MPEG (Moving Picture Experts Group) scheme, the part of formatted data unit means one or more frame in one group selected from a group of frames compressed with using correlation between the frames and a group of frames compressed without using correlation between the frames (column 12, lines 40-42: It is inherent in MPEG compression that frames are correlated in 8x8 blocks according to University of California Berkeley Multimedia Research Center's paper What is MPEG?, page 5, item 3.).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (U.S. Patent 5,867,579) in view of Le Roy et al. (U.S. Patent 4,723,285).

17. With respect to claim 7, Saito discloses a method for distributing digital content, wherein, when the digital content is sound data, and the sound data is encrypted (column 23, lines 30-31; column 4, lines 59-60). Saito does not disclose a digital content distributing method, wherein the sound data is sampled by respective frequency component ranges and individually encoded to respective units, the formatted data unit means higher frequency component unit or lower frequency component unit for the whole sound data. Le Roy et al. discloses a digital content distributing method, wherein the sound data is sampled by respective frequency component ranges and individually encoded to respective units, the formatted data unit means higher frequency component unit or lower frequency component unit for the whole sound data. (column 2, lines 25-35). Saito and Le Roy et al. are analogous art because both are in the field of electronic communication. It would have been obvious to one of ordinary skill in the art to combine the teachings of Le Roy et al. with the teachings of Saito because it was well known in the art to use PCM (column 1, lines 64-68).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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August 23, 2006